

RECEIVED
CENTRAL FAX CENTER

DEC 01 2005

Roberts, Mlotkowski & Hobbes
A PROFESSIONAL CORPORATION

B270 Greensboro Drive
Suite 850
McLean, VA, 22102
Telephone: (703) 684-3270
Facsimile: (703) 848-2981
E-Mail: INFO@RMHLAW.COM
WEB: www.rmhaw.com

FACSIMILE

TO: Mail Stop AMENDMENT
USPTO

FROM: Lori F. Cuomo

FAX NO.: (571) 273-8300

RE: Response to Official Action of October 17, 2005
Application Serial No. 10/801,458
KINZ-005 [RMH 12775]

of PAGES: 21 Including cover page

DATE: December 1, 2005

MESSAGE: Filing Response to Official Action of
October 17, 2005

CONFIDENTIALITY NOTICE:

This facsimile message and accompanying documents are intended only for use of the addressee indicated above, and may contain information that is privileged or otherwise confidential under applicable laws. If this transmission has reached you in error, please immediately contact the sender by telephone or facsimile at the numbers listed above and return the original to us by mail. Any copying, distributing, or other use or disclosure of this information by anyone other than the above-named recipient is strictly prohibited. Thank You.

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. GMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL
FORM

(To be used for all correspondence after initial filing)

Total Number of Pages in This Submission

21

Application Number	10/801,458
Filing Date	March 15, 2004
First Named Inventor	Dwight Eric Kinzer
Art Unit	3742
Examiner Name	G. Van

Attorney Docket Number

12775

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Alter Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavit/Declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on ft	
<input checked="" type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	ROBERTS MLOTKOWSKI & HOBBS		
Signature	<i>Jai T Cuomo</i>		
Printed name	LORI P. CUOMO		
Date	December 1, 2005	Reg. No.	34,527

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Annie A. Cave</i>		
Typed or printed name	Annie A. Cave	Date	December 1, 2005

This collection of information is required by 37 CFR 1.3. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/M7 (12-04v2)

Approved for use through 07/31/2006, GMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no burdens are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).
FEET TRANSMITTAL
For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 100.00)

Complete If Known	
Application Number	10/801,458
Filing Date	March 15, 2004
First Named Inventor	Dwight Eric Kinzer
Examiner Name	O. Van
Art Unit	3742
Attorney Docket No.	12775

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number 502478 Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-9038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES	
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity
Utility	300	150	100	250	200	100
Design	200	100	100	50	130	65
Plant	200	100	300	150	160	80
Reissue	300	150	300	250	600	300
Provisional	200	100	0	0	0	0

2. EXCESS CLAIM FEES

Fee Description

Fee Description	Small Entity
Each claim over 20 (including Reissues)	50 7.5
Each independent claim over 3 (including Reissues)	200 100
Multiple dependent claims	360 180

Total Claims

Extra Claims	Fee (\$)	Fee Paid (\$)	Small Entity	Fee (\$)	Fee Paid (\$)
- 20 or HP -	X	=	Fee (\$)	Fee (\$)	

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Small Entity	Fee (\$)	Fee Paid (\$)
4	- 3 or HP -	1	100.00	=	100.00	

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number): X	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): _____

SUBMITTED BY

Signature	Jay L. Piliw	Registration No. (Attorney/Agent)	34,527	Telephone	703.584.3270
Name (Print/Type)	Lori F. Cuomo	Date	December 1, 2005		

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER
DEC 01 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

In re Patent Application of:

Dwight Eric Kinzer

Serial No. 10/801,458

Examiner: Q. Van

Confirm. No. 7779

Filed: MARCH 15, 2004

Group Art Unit: 3742

For: IN SITU PROCESSING OF HYDROCARBON BEARING
FORMATION WITH VARIABLE FREQUENCY AUTOMATED CAPACITIVE
RADIO FREQUENCY DIELECTRIC HEATING

DEC 01 2005

AMENDMENT UNDER 37 C.F.R. §1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed October 17, 2005, which sets a three month shortened statutory period for response until January 17, 2006.

If any extension of time or fees are required to maintain the pendency of the application, this is an express request for any required extension of time, and authorization to charge any required fee to Deposit Account No. 502478.

Reconsideration and allowance of the application are respectfully requested.

Amendments to the claims begin on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

12/02/2005 MGEBRM1 00000007 502478 10801458

01 FC:2201 100.00 DA